

From: Trest, Rachel, Ms, DoD OGC
Sent: Wednesday, May 28, 2008 1:31 PM
To: [REDACTED]

Subject: United States v. Mohammed Kamin: Government's response to Defense's Special Request for Relief (Continuance/Extension of Time to File re: Trial Schedule, Production of Transcript, Production of Discovery)

Signed By: [REDACTED]

Attachments: Fwd: Draft protective orders



Fwd: Draft
protective orders

Please accept the Government's response to the Defense's special request for relief in the case of United States v. Mohammed Kamin. The Government respectfully submits the following:

1. This response to the Defense's special request for relief is being filed in a timely manner.
2. The Government believes that the special request for relief be granted in part.
3. The Government respectfully asks that you deny Defense's request that all deadlines and dates established on the trial schedule be stayed until further notice. The Government respectfully requests to establish benchmark dates to ensure that there is forward progress of this case.
4. There is no objection to providing a transcript of the arraignment to Defense if the court finds it necessary to order its production.
5. There is no objection to providing discovery to Defense at the earliest possible date. Attached is the Government's e-mail to LT Federico dated 20 May 2008. The draft protective orders were provided to Defense counsel for comment. Since the Defense has not provided any input to date, we will assume that they have no issues with the protective orders and we will submit them to the court immediately. Once the protective orders are in place we will begin turning over discovery without delay.
6. The Government respectfully requests that you deny the Defense's requested order for the Government to provide a written brief on the ethical issues re: representation. The Government is willing to respond to any motion Defense counsel may file regarding his representation. However, any ethical issues LT Federico may have in his representation of Mr. Kamin are between him, his client, the Navy rules of professional responsibility and his state bar. The Government is not aware of specific ethical issues that LT Federico believes he is facing, and we are simply in no position to provide a written brief on LT Federico's representation of his client.
7. The Government respectfully requests that the Court grant Defense's request for a hearing for the week of 14-18 July in part. The Government proposes that law motions be due 7 July 2008, responses due 14 July 2008 and the hearing be held 15 July 2008. It is the Government's position to give Defense as much time as it reasonably needs to review the discovery

materials in this case, and we believe that roughly 30 days should be sufficient for Defense to complete the review of the discovery material.

8. The delay is attributed to the Defense's special request for relief, thus it is the Government's position that the delay be ascribed to the Defense.

Very Respectfully,

Omar Ashmawy
Major, USAF

Rachel Trest
Lieutenant, JAGC, USN